

Remarks

Petition for Extension of Time

A petition for a 2 month extension of time is enclosed along with the 2 month extension fee. Approval of the time extension is respectfully requested.

Request for Continued Examination (RCE)

This amendment is being submitted in conjunction with a request for continued examination. The RCE fee is enclosed. The Applicant respectfully requests entry of this amendment prior to initial examination.

Affidavit of Michael Dunnett

An affidavit of Michael Dunnett is enclosed. The affidavit is evidence that sales did not occur to the public under the name Veronica 'Glory'.

Rejection under 35 USC 102(b)

Claim 1 was rejected under 35 USC 102(b) as being anticipated by plant breeder's rights publication number 971485 published on February 16, 1998 in Europe in view of Veronica 'Glory' being sold in Europe in May of 1998.

As stated in the attached affidavit of Michael Dunnett, Blakedown Nurseries purchased 100 plants of Veronica 'Glory' in May of 1998. These 100 plants that were

purchased from the inventor were never sold or publicly distributed. The plants were used for testing and propagation to build an inventory of plants.

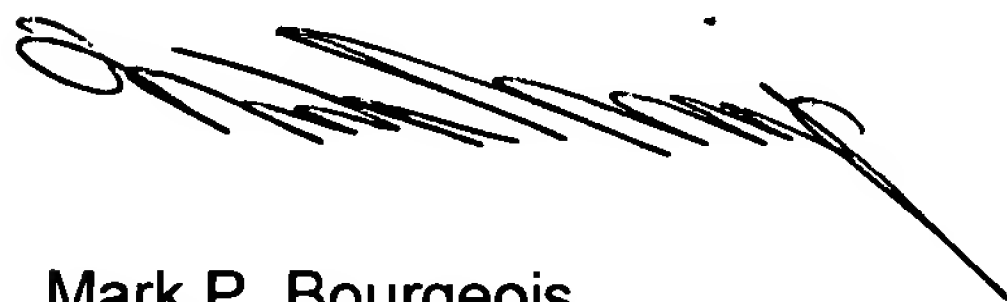
As stated in the attached affidavit of Michael Dunnett, a market test was performed in April of 1999. Approximately 20 plants were sold under the name of 'Royal Candles'. No plants were sold under the name of 'Glory'.

The public would not have had knowledge of sales of Veronica 'Glory' as the sale took place under the name 'Royal Candles'.

Because all sales took place under the name 'Royal Candles', one of skill in the art, with knowledge of the referenced publication, would not have found plants of 'Glory' to purchase, as plants labeled 'Glory' were never sold to the public.

Applicant respectfully requests that the 102 rejection be withdrawn and that a notice of allowance be issued.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark P. Bourgeois', with a long, sweeping horizontal stroke extending to the right.

Mark P. Bourgeois
Reg. No. 37,782